

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re: Renee ~~Butler~~ (CEC) Maslikhov

Chapter 11

aka Renee Butler,

Case No. 19-42688 (CEC)

the Debtor.

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Renee ~~Butler~~ (CEC) Maslikhov,

Adv. Compl. Case #19-01083-cec

Plaintiff,

v.

Sergei Maslikhov,

Defendant.

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**Order Granting Motion to Strike the Affirmative Defenses, Counterclaims
and Judgment on Pleadings**

Whereas the Debtor, Rene ~~Butler~~ (CEC) Maslikhov (the “Plaintiff”) on June 18, 2019 commenced an adversary proceeding (Complaint) for permission to sell co-owned real property located at 328 Jefferson Avenue, Brooklyn, NY 11216 (the “Real Property”) under 11 U.S.C. § 363(h);

Whereas Sergei Maslikhov (the “Defendant”), on July 24, 2019 filed an Answer to the Complaint, asserting certain affirmative defenses and counterclaims;

Whereas the Plaintiff having moved a motion, docket no. 6, under FRBP 7012(f) for striking the Defendant’s asserted defenses and counterclaims as insufficient, redundant, immaterial and impertinent;

Whereas the plaintiff also sought relief under FRBP 7012(c) for a judgment on pleadings;

Whereas all pleadings having been filed, and the motion being fully briefed, and parties been heard on August 28, 2019;

~~Whereas the defendant did not exercise his right of first refusal regarding the purchase of the property; (CEC)~~

Whereas the defendant opposed the Adversary Proceeding with affirmative defenses and asserted some counterclaims

Whereas Defendant's affirmative defenses and counterclaims were not found to be meritorious or relevant and were unnecessary;

IT IS HEREBY ORDERED that Plaintiff's Motion for Judgment on the Pleadings is GRANTED. All affirmative defenses and counterclaims against the Plaintiff are stricken and are thus denied in their entirety;

IT IS FURTHER ORDERED, that the Plaintiff is authorized to sell the Real Property pursuant to 11 U.S.C. § 362(h); ~~free and clear of the Defendant's interest therein (with any interest to attach to the sale proceeds) and both the Plaintiff and Defendant shall bear the cost and legal expenses of the litigation incurred herein regarding sale of the Real Property; (CEC)~~

IT IS FURTHER ORDERED, that any further actions or proceedings for the sale of the Real Property is subject to further supervision and orders of this Court.

**Dated: Brooklyn, New York
September 23, 2019**




Carla E. Craig
United States Bankruptcy Judge